

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 27, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE - SDR-34463 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: EVA AND ANDREW FRANK - Request for a Site Development Plan Review FOR THE ADDITION OF A TWO-STORY, NINE-UNIT APARTMENT BUILDING WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT BUFFER ALONG THE WEST PERIMETER WHERE 10 FEET IS REQUIRED AND ZERO-FOOT BUFFERS ALONG PORTIONS OF THE NORTH AND EAST PERIMETERS WHERE SIX FEET IS REQUIRED on 0.72 acres at 1774 Willow Trail and 3900 Melody Lane (APNs 139-19-802-001 and 003), R-3 (Medium Density Residential) Zone, Ward 5 (Barlow)

FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

0

RECOMMENDATION:

APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted at Meeting – Supplemental Photo and Support Letters
8. Submitted after Meeting - Recordation Notices of Council Action and Conditions of Approval

Motion made by RICHARD TRUESDELL to Approve subject to conditions and adding the following conditions as read for the record:

A. A fence is required on the north and east property lines per elevations submitted at the 8/27/2009 Planning Commission meeting, subject to approval by Planning and Development.

B. The pool area shall be fenced per elevations submitted on 8/27/2009, subject to approval by Planning and Development.

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C. The pool area shall be posted as closed after 10:30 p.m.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, stated that the request was abeyed to allow the applicant to meet with neighbors to mitigate the issues. The applicant is proposing to combine two properties contained in an existing apartment complex and a single family home in order to add a two-story, nine-unit apartment building, enlarge an existing single-story building without adding any units and demolish an existing single-family residence to provide parking for the site. Additional parallel parking spaces will be provided on the site adjacent to Willow Trail. A pool area is proposed to the northeast corner of the site as an added amenity for the residents. The applicant is requesting waivers of the perimeter landscape buffer standards along the portions to the west, north, and east perimeters to provide for the parking adjacent to Willow Trail and for handicap accessibility. Staff supports the waiver request, as they are minor in nature and the applicant is providing additional landscaping within the interior of the site. Staff recommended approval.

ATTORNEY LIZ SOROKAC, 1389 Galleria Drive, appeared on behalf of the applicant and briefly described the project. A neighborhood meeting was held and attended by 14 people. She showed a photo of a proposed vinyl fence that would be added on the north and east property line. The proposed fence would be more aesthetically pleasing than a block wall and its tan color will compliment the project. She submitted five support letters from adjacent residents and agreed with all conditions.

JESS MEYERS expressed concern about the pool's closeness to his bedroom and that the proposed fence would not provide an appropriate sound buffer.

TODD FARLOW indicated that a vinyl fence does not last long.

ATTORNEY SOROKAC responded that they have tried to address the resident's concern. There is a redwood fence that has been there for many years and the vinyl fence will last as long. Using a map, she showed CHAIR TROWBRIDGE the location of MR. MEYERS' residence as it relates to the pool location, which is six feet from the property line. She noted that the fence is not soundproof.

COMMISSIONER TRUESDELL pointed out that the pool and play areas are not large. If the pool were further away from the fence, then all the seating and congregation area would be up

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against the fence, and this is the best solution. The applicant has taken an area with very little landscaping and has come up with something attractive and an enhancement to that area.

COMMISSIONER EVANS wondered if the applicant would agree to close the pool area at 9:00 p.m.

ANDREW FRANK, 1774 Willow Trail, pointed out that the distance between MR. MEYERS' bedroom windows is probably about 20 feet. He would not want to restrict his residents from swimming after 9:00 p.m., especially during the summer when it is cooler to swim at night. He was amenable to closing after 11:00 p.m. After some discussion, MR. FRANK agreed to close the pool at 10:30 p.m.

COMMISSIONER ELLSWORTH asked why the applicant is not willing to install a wall that would be a sound barrier for the adjacent neighbors. MR. FRANK replied that the block wall retains heat, it becomes an invitation for graffiti, and is cost prohibitive. The Commissioner verified with MR. FRANK that the home referred to by MR. MEYERS is vacant. MR. FRANK confirmed that the house is vacant and is for sale.

MARYANN MEYERS stated the house belonged to her parents and questioned why the applicant was being given a zero setback. MARGO WHEELER, Director of Planning and Development, clarified that no buildings are proposed at a zero setback. The fence would be on the property line. MRS. MEYERS was concerned about the fence being close to her property. CHAIR TROWBRIDGE pointed out that the applicant cannot encroach onto her property line.

COMMISSIONER GOYNES stated that the applicant can build right up to his property line. The applicant has made every effort to mitigate the neighbors' concerns and has also extended an invitation to use the pool. The majority of residents are elderly and the pool is not too big.

COMMISSIONER GOYNES verified with ATTORNEY SOROKAC that the fence around the pool is specifically semi-privacy fencing and has been found to be safe for children.

MS. WHEELER read additional conditions, including limiting the hours of operation. COMMISSIONER GOYNES asked if a six-month review could be imposed, but MS. WHEELER replied that the applicant would have to apply for a review of condition to have that condition removed.

CHAIR TROWBRIDGE declared the Public Hearing closed.